IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE FIFTHDAY OF OCTOBER

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE K.C.BHANU

* * *

WP.No.21626 OF 2005

Between:

G.Kullayi Reddy … Petitioner

Versus

The Joint Collector, Ananthapur

& Anr. … Respondents

Counsel for the Petitioner: Mr.U.Ramanjaneyulu

Counsel for the Respondents: GP for Revenue

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O R D E R :

This writ petition is filed seeking mandamus to declare the action of the second respondent in issuing the proceedings RC.No.1286/2005/Complainant dated 20-8-

2005 as illegal, arbitrary, violative of principles of natural justice and also against the provisions of control order 2001 and consequently direct the respondents to restore authorization of the petitioner by suspending the impugned order pending appeal before the first respondent.

The learned counsel for the petitioner seeks to contend that without giving any notice the impugned proceeding has been issued suspending the authorization of the petitioner, pending enquiry into the matter. Therefore, he prays to set aside the impugned proceedings and restore authorization by suspending the impugned order pending disposal of the appeal by the first respondent.

The learned Govt.Pleader for Revenue submitted that the petitioner has contravened clause 17 (b) (c) of the APSPDS Order, 2001, therefore, in exercise of the powers conferred on the respondents under clause 9 of the AP State PDS (Control) Order 2001, the fair price shop dealership of the petitioner was suspended pending enquiry into the irregularities in distribution of PDS AAY rice and drought rice.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The authority, who passed the impugned proceedings, RC.No.1286/05/C dated 20-8-2005 is under challenge. Against that order, the petitioner had filed an appeal before the Sub-Collector on 15-9-2005 where under interim stay was granted and

subsequently no mention about the extension of stay order.

Without entering into the merits of the case, appropriate decision has to be taken by the first respondent on the appeal filed by the petitioner. Therefore, I deem it appropriate to dispose of the writ petition, directing the first respondent to consider and dispose of the appeal filed by the petitioner and pass appropriate order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is accordingly disposed of at the admission stage. No costs.

OCTOBER 05th, 2005. ----------

l s L. ***K.C. BHANU ,*** **J**.